

AUSA: M. Marshall

FILED

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Western District of Texas

MAR 27 2019

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK

United States of America
v.
Jose MONTEMAYOR-DURAN

Case No. 1:19mj-187

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

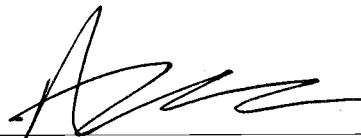
On or about the date(s) of March 25, 2019 in the county of Travis in the
Western District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 31 USC 5332	-Bulk Cash Smuggling into or out of the United States

This criminal complaint is based on these facts:

See Attachment

☒ Continued on the attached sheet.

 #3772

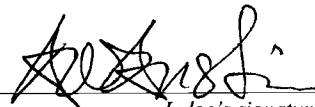
Complainant's signature

Austin Police Detective Anthony Nelson #3772

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/26/2019



Judge's signature

City and state: Austin, Texas

United States Magistrate Judge Austin

Printed name and title

Jose **MONTEMAYOR-DURAN** Complaint Attachment

On March 25, 2019, the Austin Police Department (APD) conducted a traffic stop on a white 2011 Chevy Malibu bearing Mexican license plate FPC7765. Austin Police Interdiction Officer I. Figueroa #6774, noticed the vehicle in the area of the 14300 block of S. IH 35, southbound. While the vehicle was traveling south on the Interstate, Officer Figueroa noticed that the rear female child was not wearing a seatbelt and the rear center brake lamp was defective.

Officer Figueroa #6774 was hired by the Austin Police Department in September of 2009 and has worked in APDs Criminal Interdiction Unit for over 5 years. The main purpose of this unit is to interdict and identify individuals and organizations suspected of smuggling or engaging in criminal activity while in transit. Officer Figueroa has attended several interdiction courses where he learned to recognize signs of deception exhibited by criminals, concealment methods, as well as contraband trafficking trends. In his time working with the Criminal Interdiction Unit, Officer Figueroa initiated numerous traffic stops that have led to the seizure of large amounts of narcotics, money derived from the trafficking of narcotics, uncovered human smuggling operations, and other crimes in transit.

Officer Figueroa activated his emergency lights behind the Malibu and effectively stopped the driver for the aforementioned traffic violations. The driver of the vehicle was identified as Jose MONTEMAYOR-DURAN, Hispanic male, with the date of birth of 19 February 1976. Officer Figueroa learned that MONTEMAYOR-DURAN was a Mexican citizen and was currently returning to his home in Mexico. MONTEMAYOR-DURAN told Officer Figueroa that the vehicle belonged to him and produced a Mexican document that appeared to be a registration card showing MONTEMAYOR-DURAN as the owner.

Officer Figueroa informed MONTEMAYOR-DURAN of the traffic violations and asked if he would join him in the police vehicle while Officer Figueroa filled out a warning citation. MONTEMAYOR-DURAN complied and exited the vehicle.

It was during this conversation Officer Figueroa learned that MONTEMAYOR-DURAN had entered the United States on Saturday (03/23/19) to visit a family member named "Omar" in Mesquite, Texas. MONTEMAYOR-DURAN also stated that this trip was made so that he and his wife could visit the casinos nearby. Officer Figueroa found it odd that MONTEMAYOR-DURAN and his wife would bring their children along for relatively short trip only to go to casinos. Officer Figueroa asked if he could confirm this story with the wife, who was the front passenger. MONTEMAYOR-DURAN agreed.

This female told Officer Figueroa that they came to Texas to visit a family member named "Francisco" in McKinney, Texas. The wife made absolutely no mention of going to any casinos.

Officer Figueroa confronted MONTEMAYOR-DURAN with the inconsistencies in his story. He then informed the driver of his responsibilities as an Interdiction Officer. Officer Figueroa asked MONTEMAYOR-DURAN for consent to search his vehicle and informed him of his right to refuse (as documented on the standard 'Consent to Search' form). MONTEMAYOR-DURAN consented to the search of the vehicle and indicated his consent by signing the form.

Officer Figueroa, along with other APD Interdiction Officers, began searching the vehicle. Once in the trunk of the vehicle Officer Figueroa noted that the wool carpet in the trunk was glued to the walls of the trunk. Officer Figueroa knows from training and experience that this is not a common practice from the manufacture due to fire safety. Once the carpet was removed, Officers noticed old and painted body repair putty on the floorboard of the trunk. From training and experience, Officers in the Criminal Interdiction Unit know that this body repair putty is often used to conceal after-market compartments within the body of the vehicle. Officers also located a GPS tracking device in the trunk. Interdiction Officers are seeing this more often with Drug Trafficking Organizations as a means to monitor product and proceeds of contraband.

Officer Figueroa then called for Officer C. Knop #7079 and his narcotics detection K9 "Cuatro" to assist in locating a possible hidden compartment in this vehicle. Officer Knop and K9 "Cuatro" are currently certified by the National Narcotics Detector Dog Association Incorporated in the detection of the odor of marijuana, cocaine, methamphetamine, heroin, and ecstasy.

K9 "Cuatro" has given positive alerts in the past that have proven true and correct and have led to the seizure of marijuana and/or illegal controlled substances and the arrests of person/s in the possession of said contraband.

Once deployed, K9 "Cuatro" gave a positive alert to the rear of the vehicle. This was the area near and around the trunk, where the suspected hidden compartment was thought to have been. Officers focused in this area and noticed tool marks in the wheel well of the right rear tire. Once this tire was removed Officer Figueroa noticed body repair putty that was made to look like mud. Once manipulated, this body repair putty gave way to reveal the door to a large hidden compartment that went the width of the trunk. Inside the trunk, was a single bundle that was wrapped with clear plastic and black tape. The bundle was seized and identified as US Currency in the amount of \$14,000. MONTEMAYOR-DURAN denied knowledge of the hidden compartment and knowing that cash was concealed inside.